

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In Re:)
Lewis E. Wilkerson, Jr.,)
Debtor)
ROBERT E. DIXON,) Case Number: 20-34576-KLP
Individually and Derivatively on behalf of)
D.E.R. LLC) Ch. 11
Plaintiff)
v.)
LEWIS E. WILKERSON, JR.) Adversary Proceeding
Defendant.) No. 21-03008 - KLP

DEFENDANT'S OBJECTIONS TO PLAINTIFF'S EXHIBITS

Comes now the defendant, Lewis Wilkerson (“Defendant”), by counsel, and for his Objections to Plaintiff’s Exhibits respectfully represents as follows:

1. Defendant objects to the Rebuttal Expert Witness Disclosure Report prepared by Tanya Futrell, CPA (the “Report”). The Report is conclusory and does not fulfill the requirements of B.R.C.P. 7026; F.R.C.P. 26(a)(2)(B)(i); F.R.C.P. 26(a)(2)(B)(ii) or F.R.C.P. 26(a)(2)(B)(iii). The Report does not contain the basis and reason for Ms. Futrell’s opinions, only conclusions. The Report does not contain the Exhibits that will be used to summarize or support Ms. Futrell’s conclusory opinions.

Robert A. Canfield, VSB #16901
Canfield Wells, LLP
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 (804)673-6600
 (804)673-6604
Counsel for Defendant

Documents and evidence containing the facts and data considered by Ms. Futrell when preparing the Report and/or formulating her conclusions were not proposed as Exhibits.

The Report is of little to no probative value as it states an incorrect compensation calculation of price per mile as opposed to price per ton per mile. This incorrect compensation formula is tantamount to comparing apples to oranges and only serves to convolute the issues before the Court.

Copies of Plaintiff's Proposed Exhibits were made available to Defendant's counsel one (1) day before objections were due. It was only then determined these Exhibits were missing, prejudicing Counsel's ability to prepare for the hearing on this matter.

By: /s/ Robert A. Canfield
Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of October, 2021, a copy of the foregoing *Defendant's Objections to Plaintiff's Exhibits* was hand delivered to: W. R. Baldwin, III, Esq., Meyer Baldwin, Long & Moore, LLP, 5600 Grove Avenue, Richmond, VA 23226.

/s/ Robert A. Canfield
Robert A. Canfield